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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,036	06/21/2000	Esmuell Yousefi	NG(ST)8104	7772
26294 7590 06/12/2007 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			EXAMINER LY, NGH I H	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/599,036	Applicant(s) YOUSEFI ET AL.	
	Examiner Nghi H. Ly	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 10,11 and 22.
- Claim(s) objected to: _____.
- Claim(s) rejected: 26-28.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/14/07 have been fully considered but they are not persuasive.

On page 4 of applicant's remarks, applicant argues that Takahashi does not teach first cells supported by a first beam hop cycle associated with a first downlink beam, second cells supported by a second beam hop cycle associated with a second downlink beam, the second beam hop cycle being different than the first hop cycle, and transition cells supported by a transition beam hop cycle.

In response, Takahashi does indeed teach first cells supported by a first beam hop cycle associated with a first downlink beam (see fig.3, base station A or B with beams or in order to transmit signal, the teaching of Takahashi inherently teaches the downlink beam energy for first cells, and see column 3, lines 50-64), second cells supported by a second beam hop cycle associated with a second downlink beam, the second beam hop cycle being different than the first hop cycle (also see column 3, lines 50-64, Takahashi teaches "frequency hopping in different cells". Therefore, the teaching of Takahashi inherently includes second downlink beam), and transition cells supported by a transition beam hop cycle (also see column 3, lines 50-64, Takahashi teaches "*frequency hopping in different cells*" and "*a plurality of predetermined radio frequencies are hoped at regular time intervals*". Therefore, the teaching of Takahashi inherently includes a transition cells, a transition downlink beam and a second cells).

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On pages 4, 5 and 6 of applicant's remarks, applicant further argues that Jacomb-Hood does not teach the first downlink beam is provided to one of the first cells that is adjacent to the first transition cell during one of the second percent of the time period and the remaining percent of the time period, and such that the second downlink beam is provided to one of the second cells that is adjacent to the second transition cell during one of the first percent of the time period and the remaining percent of the time period.

In response, Jacomb-Hood does indeed teach the first downlink beam is provided to one of the first cells that is adjacent to the first transition cell during one of the second percent of the time period and the remaining percent of the time period (see Abstract and column 1, lines 33-54, where Jacomb-Hood teaches selecting a cell hopping sequence for each beam based on the dwell times), and such that the second downlink beam is provided to one of the second cells that is adjacent to the second transition cell during one of the first percent of the time period and the remaining percent of the time period (see Abstract, see "beam-hopping" and column 1, lines 33-44, where Jacomb-Hood teaches selecting a cell hopping sequence for each beam based on the dwell times). In addition, applicant's attention is directed to the teaching of Jacomb-Hood in the previous Office action.

On page 5 of applicant's remarks, applicant further argues that Jacomb-Hood does not teach transitional cell that are located adjacent to the first cells and second cells.

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In response, Jacomb-Hood does indeed teach transitional cell that are located adjacent to the first cells and second cells since Jacomb-Hood teach plurality of cells any cell that between two cells are transitional cell.

On page 7 of applicant's remarks, applicant further argues that Jacomb-Hood does not teach the power gating circuit coupled to the waveform generator for gating power in the transmission downlink beam.

In response, in order to *"assign communication resources in a beam-hopping cellular communication system. The satellite has a multiple beam antenna that covers a number of cells that is greater than the number of available beams in a preferred embodiment, the method includes the steps of selecting a frequency for each beam, computing a dwell time for each cell based on the traffic estimates for each cell and the number of available beams, and selecting a cell hopping sequence for each beam based on the dwell times and predicted inter-beam interference"* (see Jacomb-Hood, Abstract), the teaching of Jacomb-Hood inherently teaches the power gating circuit coupled to the waveform generator for gating power in the transmission downlink beam as claimed.

For the above reasons, the examiner believes that the rejections to claims are proper.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

A handwritten signature in black ink, appearing to be 'NHL' or similar, located below the printed name 'Nghi H. Ly'.